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Amendment
Attorney Docket No. E30.2H-11235-US01

Remarks

This Amendment is in response to the Office Action dated August 2, 2005.

In the Office Action dated August 2, 2005, the Examiner rejected claims 15-18 pursuant to 35 U.S.C. §103(a) asserting Roney et al. (U.S. 5,632,551) in view of Bradley (GB2175428A). The Examiner asserted that Rooney '551 disclosed an LED lamp assembly having: "regarding claim 15 as shown in FIG. 2, a substantially horizontal mounting base or circuit board 20 having a plurality of LED 12 mounts, the LED mounts extending upwardly from the base". Applicant traverses the rejection of the Examiner pursuant to 35 U.S.C. §103.

FIG. 2 of the Roney '551 reference teaches a substantially horizontal circuit board 20 having light emitting units, preferably light emitting diodes (LED's), 12 mounted on the circuit board 20 (column 2, lines 53-54). The Roney '551 reference does not suggest, teach, and/or disclose the use of LED mounts. The LED's of Roney are engaged directly to the circuit board 20 without the use of an LED mount.

As disclosed in Applicant's specification and claims, Applicant's LED mounts and LED's are distinct and different elements. No such teaching is provided within the Roney '551 reference. The Bradley '428 reference also fails to disclose a pod illumination device having LED mounts extending upwardly from the base and a controller in electrical communication with the light emitting diodes, where the controller is constructed and arranged to activate the light emitting diodes to produce a light signal, as disclosed and claimed by Applicant herein. No suggestion, motivation, or disclosure is provided in either the Roney '551 reference and/or the Bradley '428 reference for combination to provide Applicants claimed invention herein.

The Examiner next rejected claim 19 asserting that claim 19 was obvious pursuant

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to 35 U.S.C. §103(a) as being unpatentable over Roney '551 in view of Fore U.S. 2,082,279.

Applicant specifically traverses this rejection.

As previously indicated, Roney '551 does not disclose the distinct and separate elements of an LED mount and LED's and Roney also fails to disclose that the LED's are engaged to an LED mount as disclosed and claimed by Applicant herein.

The Fore '279 reference discloses a clip element designated generally as 20. The clip element includes a pair of opposite jaws 21 having teeth 22, the jaws being held normally in a closed biting position as by an expansion coil spring 23. (Fore '279 column 2, lines 22-25).

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implicitly within the references themselves. In addition, even if the combination as asserted by the Examiner was appropriate, which Applicant specifically contests, the references fail to disclose the features of Applicant's invention as claimed herein.

Applicant respectfully asserts that No suggestion why, or reasons or motivation for combining the references as identified by the Examiner, appears either explicitly or implicitly in any of the references identified in the officeaction. A 35 U.S.C. §103 rejection is therefore improper. *In re Clinton*, 527 F.2d 1226, 188 U.S.P.Q. 265 (CCPA 1976). Obviousness may not be established by combining the teachings of the prior to produce the claimed invention absent a teaching or suggestion supporting the combination. *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); *In re Laskowski*, 10 U.S.P.Q.2d 1397 (Fed. Cir. 1989).

Claims 15 through 29 remain in the application. Applicant respectfully asserts that claims 15-29 herein are allowable over the prior art of record. Applicant respectfully requests reconsideration and allowance of claims 15-29 herein.

Formalities

If an extension of time is required to make the response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that this response requires the payment of government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

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CONCLUSION

It is believed that claims 15-29 are in condition for allowance in view of the foregoing. Applicant respectfully requests reconsideration and allowance of claims herein. Applicant respectfully requests the Examiner to enter the Amendment which Applicant believes puts the application in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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